

FILED ELECTRONICALLY

PATENT APPLICATION
Docket No. 7678.350.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
	Steven D. Jensen, et al.)	
Serial No.:	09/710,181)	Art Unit
Filed:	November 10, 2000)	1616
Conf. No.:	4245)	
For:	COMPOSITIONS AND METHODS FOR WHITENING AND DESENSITIZING TEETH)	
Examiner:	Alton Nathaniel Pryor)	
Customer No.:	022913)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each non-English reference, if any, are also enclosed.

Explanation of Relevance

1. U.S. Patent No. 6,108,850: Example 4 discloses a dental bleaching composition that contains hydrogen peroxide and potassium nitrate (1% by weight).

2. U.S. Provisional Application No. 60/048,423: This is a parent to U.S. Patent No. 6,108,850. It discloses dental bleaching compositions but does not appear to disclose the use of desensitizing agents, such as potassium nitrate.

3. Rembrandt XTRA Comfort: Does not disclose an actual formulation. The Declaration of Dan E. Fischer, DDS, referred to in the preliminary amendment filed June 25, 2001, indicates that Rembrandt XTRA Comfort contained approximately 5% potassium nitrate.

4. U.S. Patent No. 7,125,543: This patent discloses the use of 1-35% by weight potassium nitrate in a dental bleaching composition. Examples 1-5 utilized 5%, 7%, 6%, 3% and 33% potassium nitrate, respectively. Discloses the use of other potassium salts "instead of potassium nitrate" including potassium fluoride. Col. 3, lines 15-29.

5. File History of U.S. Application Serial No. 09/072,504: Applicant initially sought to provoke an interference relative to the following U.S. patents which disclose dental bleaching and/or desensitizing compositions: U.S. 5,851,512; U.S. 5,855,870; U.S. 5,985,249; and U.S. Patent No. 6,036,942, all to Fischer. Applicant initially alleged a reduction to practice date prior to May 30, 1997. Later, Applicant changed his allegation to having merely conceived of the invention prior to May 30, 1997, coupled with alleged but uncorroborated diligence in constructively reducing the invention to practice by filing U.S. Application Serial No. 09/072,504 approximately one year later. The specification of this application appears to be the same as issued U.S. Patent No. 7,125,543.

DATED this 30th day of July 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.M.G.", is written over the printed name.

JOHN M. GYNN
Attorney for Applicants
Registration No. 36,153
Customer No. 022913